

# Exhibit 4



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Paper 11  
Date: August 1, 2023

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SAMSUNG ELECTRONICS CO., LTD.,  
Petitioner,

v.

NETLIST, INC.,  
Patent Owner.

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IPR2023-00454  
Patent 11,093,417 B2

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Before PATRICK M. BOUCHER, JON M. JURGOVAN, and  
DANIEL J. GALLIGAN, *Administrative Patent Judges*.

GALLIGAN, *Administrative Patent Judge*.

DECISION  
Granting Institution of *Inter Partes* Review  
35 U.S.C. § 314

IPR2023-00454  
Patent 11,093,417 B2

## I. INTRODUCTION

### A. *Background*

Samsung Electronics Co., Ltd. (“Petitioner”) filed a petition for *inter partes* review (Paper 1 (“Pet.” or “Petition”)) challenging claims 1–15 of U.S. Patent 11,093,417 B2 (Ex. 1001 (“’417 patent”)). Netlist, Inc. (“Patent Owner”) filed a Preliminary Response. Paper 6 (“Prelim. Resp.”). With our authorization (Ex. 3001), Petitioner filed a Reply to Patent Owner’s Preliminary Response (Paper 9), and Patent Owner filed a Sur-reply to Petitioner’s Preliminary Reply (Paper 10).

Under 37 C.F.R. § 42.4(a), we have authority to determine whether to institute review. The standard for instituting an *inter partes* review is set forth in 35 U.S.C. § 314(a), which provides that an *inter partes* review may not be instituted unless the information presented in the Petition and the Preliminary Response shows “there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.”

For the reasons explained below, we institute an *inter partes* review of all challenged claims on all grounds raised in the Petition.

### B. *Related Matters*

As required by 37 C.F.R. § 42.8(b)(2), the parties identify various related matters, including the following: *Netlist, Inc. v. Samsung Electronics Co., Ltd. et al.*, No. 2:22-cv-00293 (E.D. Tex.) (“the district court litigation”); and IPR2023-00455, which involves U.S. Patent No. 9,858,215 B1, to which the ’417 patent claims priority through an intervening continuation application. Pet. 1–3; Paper 4 at 1–3.

IPR2023-00454

Patent 11,093,417 B2

determination with respect to the patentability of any of the challenged claims or the construction of any claim term.

#### IV. ORDER

Accordingly, it is

ORDERED that, pursuant to 35 U.S.C. § 314(a) and 37 C.F.R. § 42.4, an *inter partes* review is hereby instituted as to claims 1–15 of the ’417 patent on all challenges raised in the Petition; and

FURTHER ORDERED that, pursuant to 35 U.S.C. § 314(c) and 37 C.F.R. § 42.4, notice is hereby given of the institution of a trial, which will commence on the entry date of this decision.

IPR2023-00454

Patent 11,093,417 B2

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